

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RUBEN OCASIO,

Petitioner,

v.

J.T. SMITH, Superintendent,  
Shawangunk Correctional Facility,

Respondent.  
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: 07 Civ. 2754 (BSJ) (AJP)  
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: ORDER  
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BARBARA S. JONES  
UNITED STATES DISTRICT JUDGE

Having reviewed Magistrate Judge Andrew J. Peck's Report and Recommendation dated January 8, 2008 and having received no objections thereto, I hereby confirm and adopt the Report in its entirety, having been satisfied that there is no clear error on the face of the record. See Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). Accordingly, petitioner Ruben Ocasio's habeas petition is denied in its entirety and a certificate of appealability will not issue.

SO ORDERED:

  
BARBARA S. JONES  
UNITED STATES DISTRICT JUDGE

Dated: New York, New York  
September 5, 2008

